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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Presta et al.	Attorney Docket #:	397666-0033CPC4C
Serial No.	09/966,147	Group Art Unit	1642
Filing Date	09/27/2001	Examiner:	Susan Ungar
Title:	**HUMAN trk RECEPTORS AND NEUROTROPHIC FACTOR INHIBITORS**		

MS: No-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

☒ Transmitted herewith are the following documents:

(1) Transmittal;

(2) Amendment and Response to Restriction Requirement.

☒ The Commissioner is authorized to charge any required fees, or credit any overpayment to Deposit Account No. 08-1641.

☒ Attached is a postcard for date-stamped return as confirmation of receipt of these materials.

Respectfully submitted,

Date: October 23, 2003

Ginger R. Dreger
Reg. No. 33,055

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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop: No-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 23, 2003

Cheryl Ann Rogers

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In connection with the above-identified application, please enter the following amendment.

In the Claims:

1. (Currently amended) A method for inhibiting ~~or enhancing~~ a biological activity mediated by a neurotrophin receptor, comprising contacting said neurotrophin receptor with an antagonistic antibody specific for said neurotrophin receptor, wherein said neurotrophin receptor is selected from the group consisting of human trkA, human trkB and human trkC.

2. Canceled.

3. Canceled.

4. (Original) The method of claim 1 wherein said antibody is a monoclonal antibody.

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Cheryl Rogers
Cheryl Ann Rogers

5. (Original) The method of claim 1 wherein said antibody is an antibody fragment selected from the group consisting of Fab, Fa(ab'), $F(ab')_2$, and Fv.

6. (Original) The method of claim 1 wherein said antibody is selected from monospecific antibodies, bispecific antibodies and heteroconjugate antibodies.

7. (Original) The method of claim 1 wherein said antibody is a human antibody or a humanized antibody.

8. (Original) The method of claim 1 wherein said human trkA comprises the sequence set forth in SEQ ID NO: 9.

9. (Original) The method of claim 1 wherein said human trkB comprises the sequence of SEQ ID NO: 2 or SEQ ID NO: 4.

10. (Original) The method of claim 1 wherein said human trkC comprises the sequence of SEQ ID NO: 6 or SEQ ID NO: 8.

11. (Currently amended) The method of claim 1 wherein said biological activity is inflammatory pain~~, and said inflammatory pain is inhibited~~.

12. (Currently amended) The method of claim 1 wherein said biological activity is tumor development~~, and said tumor development is inhibited~~.

13. (Currently amended) The method of claim 1 wherein said biological activity is cancer development~~, and said cancer development is inhibited~~.

14. (Currently amended) The method of claim 1 wherein said biological activity is aberrant neuron sprouting~~, and said aberrant neuron sprouting is inhibited~~.

15-22. Canceled

23. (Currently amended) A method for the treatment of a pathological condition associated with elevated ~~or reduced~~ endogenous neurotrophin production in a subject, comprising contacting said subject with a therapeutically effective amount of an antibody specific for a neurotrophin receptor~~, or a suitable fragment of said antibody~~, wherein said neurotrophin receptor is selected from the group consisting of human trkA, human trkB and human trkC.

24-25. Canceled

Response to Restriction Requirement

In an Office Action mailed on September 23, 2003 (Paper No. 8) applicants were requested to elect, for examination purposes, one of the inventions listed as Groups 1-50 on pages 2-14 of the Office Action.

Applicants hereby elect the invention of Group 14 (claims 1, 2, 5-7, and 10-14) drawn to a method for inhibiting a biological activity mediated by human trkC *in vivo*, wherein the human trkC comprises the amino acid sequence of SEQ ID NO: 6. The election is made *with traverse*.

As discussed during a telephone interview with the Examiner earlier today, the description of Group 14 on page 8 of the Office Action appears to contain a typographical error in its reference to human trkB of SEQ ID NO 2. Since the group concerns a method for inhibiting a biological activity mediated by human trkC, the referenced SEQ ID NO should be a trkC sequence, such as SEQ ID NO: 6, as indicated in the foregoing election made by Applicants.

Applicants submit that the *in vitro* methods (currently elected Group 14 and Group 4) should be examined in the same application. The inventions of these groups contain the same methods steps, are closely related in their objectives, and require grossly overlapping search. Accordingly, searching and examining these groups together does not place extra burden on the Examiner.

Similarly, the invention of Group 43 should be examined in the present application, along with the elected claims of Group 14. The inventions of Group 14 and Group 43 contain the same method steps, are closely related in their objectives, and require grossly overlapping search. Accordingly, searching and examining these groups together does not place extra burden on the Examiner. In this regard, Applicants note that in describing Group 43, the Examiner erroneously refers to a method for treating a pathological condition characterized by the over-expression of human trkC. Claim 23, and consequently Group 43, concern the treatment of a pathological condition associated with elevated endogenous neurotrophin production.

Finally, all claims should be examined to cover both trkC of SEQ ID NO: 6 and its truncated form of SEQ ID NO: 8. The two sequences a splice variants, which are closely

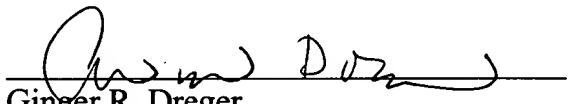
related, and can be readily searched together. In addition, even if the separation of the two sequences were appropriate, it should be raised in the form of an election of species requirement.

The Examiner has noted that claim 1, drawn to a method of inhibiting the bioactivity mediated by trkC *in vivo* has been determined to be a linking claim, and upon allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn. Applicants understand this to mean that if claim 1 is found allowable for inhibiting a biological activity of trkC, the restriction requirement with regard to trkA and trkB will be withdrawn. If this assumption is incorrect, the Examiner is respectfully requested to clarify the consequences of the allowance of a linking claim.

Although no fees are believed to be due at this time, please charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (**Attorney Docket No.: 39766-0033CPC4C**). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully Submitted,

Date: October 23, 2003



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